



## Missouri Department of Elementary and Secondary Education

— Making a positive difference through education and service —

July 26, 2004

Ms. Stephanie Lee, Director  
U. S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Ms. Lee:

This letter is in response to your letter faxed on May 27, 2004, regarding Missouri's June 3, 2003, submission of our Part B Improvement Plan (IP). I understand that letter requires the Missouri Department of Elementary and Secondary Education (DESE) to:

1. Provide your office, by November 27, 2004, an interim progress report with data to demonstrate that the DESE is monitoring public agencies for Part B requirements for youth with disabilities in city and county jails.
2. Provide your office, by June 27, 2005, a final report that demonstrates that the DESE is monitoring public agencies on and ensuring compliance with all Part B requirements for youth with disabilities held in city and county jails.
3. Provide your office, by July 27, 2004, with documentation of corrected noncompliance with 34 CFR sections 300.138, 300.139, and 300.347(a)(5) as they apply to both district-wide and state-wide assessments or a plan to do same.
4. Submit to your office, by July 27, 2004, the four interagency agreements that are referenced in the State's Improvement Plan and an analysis of the extent to which they are consistent with Part B requirements. I have enclosed these agreements in this correspondence. In addition, the DESE has analyzed the Division of Medical Services agreement and maintains that the agreement has not violated any Part B requirements and that the provision of FAPE to children with disabilities has not been impacted by any elements of these agreements. The DESE has analyzed the other three agreements and believes that the following agreements do not meet the criteria for Interagency Agreements under Part B and had been identified incorrectly as Interagency Agreements: Autism, Head Start, and Vocational Rehabilitation. These are merely cooperative agreements or memorandums of understanding, and do not involve obligations of non-educational agencies for IDEA requirements. The Autism "agreement" does not obligate any agency, but rather is a written document reflecting the different roles of both DESE and the state's mental health department (DMH) in addressing the needs of the autistic population. The public tends to get confused about which agency does what, and this document merely attempts to

distinguish the roles. Likewise, the Head Start memorandum of understanding attempts to distinguish between services provided under IDEA and services provided under Head Start, and the roles of the different agencies involved with these populations. Finally, the Vocational Rehabilitation cooperative agreement involves an intra-agency agreement between two divisions of DESE: Vocational Rehabilitation and Special Education. The DESE recommends, based upon analysis of Part B regulations, that these three agreements be removed from all future IP submissions.

This letter is also in response to your letter faxed on May 27, regarding the results of your office's verification visit to Missouri during the week of December 8, 2003. I understand that letter to require the Missouri Department of Elementary and Secondary Education (DESE) to:

1. Provide your office, by July 27, 2004, the DESE's plan for documenting that it is implementing effective procedures for ensuring the timely correction of noncompliance in the state's responsible public agencies.
2. Provide your office, by July 27, 2004, the DESE's plan for requiring and ensuring the correction of all noncompliance found in the state's responsible agencies.
3. Provide your office, by July 27, 2004, the DESE's plan for correcting all noncompliance regarding state-wide and district-wide assessments.

These three plans are included in this letter. In addition, I am providing additional information or clarification to you in response to other issues raised in your letter. Our response is organized by page number, heading, and paragraph number to assist you in understanding our response.

Page 2. General Supervision, second paragraph. The compliance section of DESE's Division of Special Education manages all of the general supervision requirements for both Part B and Part C of IDEA. The section staff consists of 1 director, 1 assistant director, 5.5 monitoring supervisors, 1 complaint specialist, 1 data specialist, 1 administrative assistant, and .5 legal assistant. Additional complaint investigation is completed by one contracted individual on an as needed basis.

Page 3. Identification of Non Compliance, third paragraph. In 2001, the DESE began requiring each district to develop and submit a self assessment in the spring prior to the school year in which the district participates in MSIP. The self assessments are due in April.

Page 4. Random Agencies, third paragraph. Missouri has three State Board Operated Programs which DESE includes in its MSIP cycle: (1) Missouri School for the Blind, (2) Missouri School for the Deaf, and (3) State Schools for Severely Handicapped (2005-2006) which consists of 36 day schools. These three programs go through the same MSIP process as all other responsible public agencies. However, all State Board Operated Programs receive an on-site visit as part of their MSIP review. The last sentence in this paragraph, the word placement should be deleted, and the word referral should be inserted. Districts can not place students in the State Board Operated Programs, they can only refer to the SBOPs.

Page 5. DYS is the Division of Youth Services, not Department of Youth Services.

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Page 7. Mediation. We believe this situation has been misrepresented by OSEP in this report. Included in this letter is documentation that the DESE identified the issue of LEA employees as mediators prior to the OSEP visit and notified all LEA staff of requirements of 34 CFR 300.506 c (1) on September 11, 2003. A sample letter is enclosed in this correspondence.

Page 8. Collection of Data under Section 618 of IDEA.

Paragraph 6. The last sentence of this paragraph is misleading. DESE uses a software product "Clear Access" to query the web based system. This software is used for analysis of all data collected through the core data collection system.

Paragraph 7. The second sentence is incorrect as it states the system does not enable DESE to determine the special education FTE for an individual who provides both special and regular education services. The sentence should read that the system DOES enable DESE to do this.

I appreciate the professional approach your staff has taken in assisting us in these reviews. I look forward to receiving your response to our plans in a timely manner so that we can continue to work to improve results and services for children with disabilities in Missouri.

Sincerely,

Melodie A. Friedebach, Assistant Commissioner  
Division of Special Education

lmb

Enclosures

c: Dr. D. Kent King